



Richelle Lynn Hanson

APPELLANT

- and -

Todd Jarred Hanson

RESPONDENT

Deborah Giles for the Appellant  
 Todd Hanson the Respondent

**Taxation before Melanie Baldwin, QC**  
**Registrar, Court of Appeal for Saskatchewan**  
**March 18, 2020**

### Background

[1] On May 9, 2018 the appellant filed a notice of appeal relating to a family law decision from the Court of Queen's Bench. The appellant's appeal book and factum were filed on October 18, 2018. On January 16, 2019 the appellant filed an application to have the respondent file a written argument and/or to have the appeal set down for hearing without a written argument from the respondent. The application was granted by Justice Caldwell on February 27, 2019. The appeal was heard on May 1, 2019 and on October 15, 2019 the Court allowed the appeal and granted the appellant her costs of the appeal and of the chambers application. A formal judgment was issued on February 4, 2020.

[2] The appellant took out an appointment for taxation of costs returnable before me on March 18, 2020. The appointment for taxation was served and filed together with a draft bill of costs and an affidavit of disbursements. The taxation hearing took place on March 18, 2020 with Ms. Giles for the appellant and the respondent both appearing by telephone. This fiat is my decision on the taxation.

### Proposed Bill of Costs

[3] The proposed bill of costs lists the following fees under column 1 of the Court of Appeal Tariff of Costs (the "Tariff"):

2	Notice of appeal	\$ 300
4	Simple Motion	\$ 250
7	Preparation of Appeal Book	\$ 250

8	Preparation of Factum	\$1000
9	All Other Preparation for Hearing	\$ 500
10	Appearing to Present Argument on Appeal before Court of Appeal	\$ 300
11	Preparing Formal Judgment or Order	\$ 100
12	Correspondence	\$ 100
13	Preparation of Bill of Costs	\$ 100
14	Taxation of Bill of Costs	\$ -50

The fees claimed total \$2950. The appellant also claims disbursements totaling \$302.10 consisting of \$125 for filing the notice of appeal, \$25 for filing the chambers application, \$100 for filing the appeal book and \$52.10 for courier charges. All of the disbursements claimed are supported by an affidavit of disbursements and the court fee disbursements are supported by the court file.

#### **Positions of Parties**

[4] The appellant relies on the proposed bill of costs as served and filed. Counsel for the appellant confirms that the courier disbursements claimed (\$52.10) are the actual out of pocket amounts paid to couriers to deliver documents relating to the application and the appeal.

[5] The respondent objects to having to pay costs to the appellant and notes that the amount claimed is significant to him. He feels that the appellant's claim for costs is unreasonable given her success on the appeal and the amounts he already has paid and will continue to pay to the appellant. In particular, he objects to the disbursement for courier costs, questioning whether it is appropriate to claim a disbursement of this kind.

#### **Analysis**

[6] As I explained to counsel for the appellant and to the respondent during the taxation hearing, my role as the Court's taxation officer is to come up with a proper amount of costs when costs are awarded by the Court. The process of determining a proper amount of costs is known as taxation or assessment and is described in Rule 54 of *The Court of Appeal Rules*. Once the Court decides an appeal and awards costs, it is not an option for me to reverse or revisit what the Court has done.

[7] On this appeal, the Court followed its usual practice of awarding costs to the successful party. The appellant was the successful party on the appeal. The Court provided some guidance to the parties and to me about what costs the appellant is entitled to claim – its decision says the appellant is entitled to her costs of the appeal and of the chambers application.

[8] The appellant claims costs on column 1 of the Tariff. Column 1 contains the lowest possible fee item amounts. There is therefore no potential benefit to the respondent to argue that column

1 is not the appropriate column and the respondent has not in fact made this argument. I will therefore assess the costs under column 1.

[9] Each fee item in the Tariff represents a step in an appeal. Where the Court awards the costs of an appeal, the party to whom the costs are awarded is entitled to claim the amount set out in the Tariff for each completed step of the appeal. I have reviewed the Tariff fee items claimed for the steps in the appeal (fee items 2, 7, 8, 9, 10, 11, 12, 13 and 14) and have confirmed that the appellant is entitled to claim each of these fee item amounts as each of these steps was completed. The appellant is also entitled to claim fee item 4 for the chambers application based on the Court's specific direction to this effect in its decision.

[10] Item 16 of the Tariff indicates that a party who is awarded costs is entitled to claim reimbursement for "all necessary disbursements for which there are proper vouchers." Disbursements are out of pocket expenses relating to an appeal and/or an application and incurred by a party who is awarded costs. The appellant has claimed reimbursement for court filing/issuing fees and for the actual cost of delivering documents relating to the appeal and to the chambers application. The affidavit of disbursements served and filed by the appellant is a proper voucher for the disbursements claimed.

[11] The appellant is entitled to claim all of the amounts listed in the proposed bill of costs.

#### **Decision**

[12] The proposed bill of costs is therefore taxed and allowed at **\$3252.10** (fees of \$2950 plus disbursements of \$302.10). The appellant may wish, for enforcement purposes, to prepare and file a certificate of taxation of costs in Form 11d in this amount for issuance.

DATED at Regina, Saskatchewan, this 18th day of March, 2020.



REGISTRAR – COURT OF APPEAL